APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,288	07/30/2001	Mark A. Kirkpatrick	BS01-083	7809

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EXAMINER
NGUYEN, TRONG NHAN P

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	
Office Action Summary		09/916,288	KIRKPATRICK ET AL.	
		Examiner	Art Unit	
		Jack P Nguyen	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 July 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claims 1-41 are being examined.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-41 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-41 of copending Application No. 09/916330. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the copending application have all the limitations in the claims of the present application. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claims 1-41 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9, 12-15, 18,

25-38, 40, 41, 46-51, 53-58, and 60-61 of copending Application No. 09/916323.

Although the conflicting claims are not identical, they are not patentably distinct from

each other because the claims in the copending application have all the limitations in

the claims of the present application. This is a provisional obviousness-type double

patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 4, 6, 8, 11, 13, 15, 17, 20, 32, 34 and 38 are rejected under 35

U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is

included or excluded by the claim language. This claim is an omnibus type claim.

Claims 2, 4, 6, 8, 11, 13, 15, 17, 20, 32, 34 and 38 contain the trademark/trade

name Oracle. Where a trademark or trade name is used in a claim as a limitation to

identify or describe a particular material or product, the claim does not comply with the

requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218

USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade

name cannot be used properly to identify any particular material or product. A

trademark or trade name is used to identify a source of goods, and not the goods

themselves. Thus, a trademark or trade name does not identify or describe the goods

associated with the trademark or trade name. In the present case, the trademark/trade

name is used to identify/describe database system and, accordingly, the

identification/description is indefinite.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Whitehead et al, 6,085,030 (Whitehead hereafter).

As per claim 1, Whitehead teaches a client-server computer system comprising: at least one client application server (104, fig. 1, col. 6, lines 15-19; one of the nodes in element 104 designates as client application server); an application server (280, fig. 2, col. 14, lines 6-7; now refers to as *component management server (CMS))* accessible by a plurality of client application servers via a plurality of application software protocols (col. 2, lines 1, 39, and 63; *Distributed Component Object Model (DCOM), Remote Method Invocation (RMI), Common Object Request Broker Architecture (CORBA), etc. are examples of application software protocols*), wherein said application server provides a data manipulation service on data in response to a manipulation request from a client application server (abstract; col. 8, lines 3-14; *data manipulation is dynamically processed by CMS*); and a storage mass coupled to said application server for storing a system of dynamically maintainable manipulation functions for performing said manipulation service (250, fig. 2, col. 7, lines 57-61; *persistent storage stores manipulation functions accessible by application server*).

As per claims 2-5, Whitehead teaches storage mass comprises an Oracle database (col. 8, line 1); manipulation functions are represented by a storage schema in the form of Lightweight Directory Access Protocol (or LDAP) (col. 7, line 66); Oracle database contains a table-based system of rules organized into at least three hierarchically organized views (450, 460, 470, fig. 4B, col. 11, lines 9-16; *component server, description repository container, and description type container represent the hierarchically views in a directory storage schema*).

Claims 6-7 are rejected for similar reasons as claims 2-5 above. Whitehead further teaches the hierarchically organized views are dynamically updateable by an external administrator (880, fig. 8A, col. 13, line 67 – col. 14, lines 7; *administrator can dynamically manipulate and update all views and their individual components*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehead in view of Allen et al, 6,078,918 (Allen hereafter).

Claims 8-9 are rejected for similar reasons as claims 6-7 addressed above. Whitehead teaches administrative manipulation functions can be done and distributed to

systems over the entire network (col. 10, line 67 – col. 11, line 5). Whitehead does not specifically disclose manipulation functions could be maintained remotely. However, it is well known and would have been obvious to one of ordinary skill in the art to modify the teachings of Whitehead to provide manipulation functions that could be accessed remotely from any location in a distributed network system by a plurality of authorized users to save on support costs by increasing operational efficiency.

Claim 36 is rejected for similar reasons as claims 1-9 addressed above. Further, Whitehead does not teach data to be manipulated arranged in the form of hash table. However, Allen teaches data is indexed and arranged in the form of a hash table (520, fig. 5C, col. 10, lines 60-62). Hence, it would have been obvious to one of ordinary skill in the art to be motivated modify and combine the teachings of Whitehead and Allen to index data in the form of a hash table to perform quick lookups and searches as disclosed by Allen in [col. 10, lines 65-66].

Claims 10, 19 and 31 are rejected for similar reasons as claims 1 and 36 above. Whitehead further teaches a data network (100, fig. 1, col. 6, lines 9); plurality of application interfaces (DCOM, RMI, CORBA, etc. – see reference above) communicate with application server via a plurality of computer network protocols (col. 2, lines 54-57; UDP, TCP/IP, SAP, etc.)

Claims 11-14, 20-23, 32-35, 38-39 are rejected for similar reasons as claims 2-5 addressed above.

Claims 15, 16, 24, and 25 are rejected for similar reasons as claims 6-7 addressed above.

Claims 17, 18, 26 and 27 are rejected for similar reasons as claims 8-9 addressed above.

As per claims 28-29, it is well known in the art that information can be represented by a string of data.

Claims 30, 37, 40 and 41 are rejected for similar reasons as claim 36 addressed above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Moshfeghi, 6,476,833; Fujino et al, 6,085,222 ; Ruckdashel, 6,038,542 ; Bowman-Amuah, 6,697,824 ; Sundermier, 6,484,214 ; Carlson, 6,697,849 ; Periwal, 6,163,776
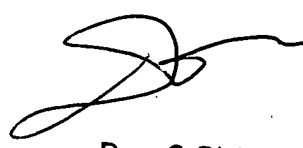

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack P Nguyen whose telephone number is (703) 605-4299. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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Business Center (EBC) at 866-217-9197 (toll-free).

jpn

Dung C. Dinh
Primary Examiner